

ISMAIL J. RAMSEY (CABN 189820)
United States Attorney

MARTHA BOERSCH (CABN 126569)
Chief, Criminal Division

SAILAJA M. PAIDIPATY (NYBN 5160007)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
Telephone: (415) 436-7200
FAX: (415) 436-7234
sailaja.paidipaty@usdoj.gov

Attorneys for United States of America

FILED

Sep 30 2024

Mark B. Busby
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	NO. CR 24-0412 WBS
)	
Plaintiff,)	ORDER REGARDING MENTAL COMPETENCY
)	EVALUATION
v.)	
)	
ELIJAH DOMINGUEZ,)	
)	
Defendant.)	

The parties appeared before the Court for a status hearing on September 25, 2024. Prior to the hearing, Defendant Elijah Dominguez filed six pro se motions or requests that the Court ultimately referred to his appointed counsel. *See* Dkts. 16-25. One of the pro se motions sought to recuse appointed defense counsel and to allow Dominguez to represent himself. Dkt. 19. Subsequently, defense counsel asked the Court to conduct a *Faretta* inquiry at the September 25, 2024 status hearing. Dkt. 23.

During the hearing, a representative of the United States Marshals Service (USMS) reported that Dominguez refused transport from the jail to the courthouse. USMS further stated that Dominguez flooded several jail cells and was combative with authorities at the jail. According to the Marshals representative, because of these incidents, Santa Rita Jail, where Dominguez was being housed,


1 indicated that USMS needed to find other accommodations for the defendant. As of the time of the
2 hearing, USMS was investigating alternative options.

3 The defendant's non-appearance at the hearing and the reports of his conduct coupled with the
4 defendant's statements in the pro se filings give the Court considerable concern regarding whether
5 Dominguez is competent to understand the charges against him, assist counsel, or defend himself as he
6 has requested. As stated on the record, the motions filed by Dominguez are often incoherent and at
7 times internally inconsistent. As government counsel noted, in one filing Dominguez claimed to possess
8 billions of dollars in assets, while in another filing, he discussed seeking permission to file a lawsuit *in*
9 *forma pauperis*.

10 In order to proceed in this case, particularly if defendant continues to seek to represent himself,
11 the Court must make findings regarding Dominguez's present mental competence and requires
12 additional information to do so. Based on the record, as noted at the hearing and recounted here, the
13 Court finds that there is reasonable cause to believe that the defendant may presently be suffering from a
14 mental disease or defect rendering him mentally incompetent to the extent that he is unable to
15 understand the nature and consequences of the proceedings against him or to assist properly in his
16 defense. *See* 18 U.S.C. § 4241(a). The Court orders a psychiatric or psychological evaluation of the
17 defendant to be conducted and a report of the evaluation to be filed no later than October 23, 2024. 18
18 U.S.C. §§ 4241(b). Further, the Court will hold a hearing on November 8, 2024 to determine whether
19 Dominguez is competent to proceed further in this case. 18 U.S.C. § 4241(c). Should the court
20 determine that defendant is competent to proceed, the court will then conduct a *Faretta* inquiry at the
21 November 8, 2024 hearing.

22 IT IS SO ORDERED.

23 Dated: September 30, 2024


24 WILLIAM B. SHUBB
25 UNITED STATES DISTRICT JUDGE
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